



**VILLAGE OF BISCAYNE PARK**  
**640 NE 114TH STREET**  
**BISCAYNE PARK, FL 33161**  
**TEL: 305 899 8000 FAX: 305 891 7241**  
**www.biscayneparkfl.gov**

**AGENDA**  
**REGULAR COMMISSION MEETING**  
**Ed Burke Recreation Center - 11400 NE 9th Court**  
**Biscayne Park, FL 33161**  
**Tuesday, August 3, 2010 at 7:00PM**

**Mayor and Commission**

**Roxanna Ross**  
**Mayor**

**Bryan Cooper**  
**Vice Mayor**

**Robert "Bob" Anderson**  
**Commissioner**

**Steve Bernard**  
**Commissioner**

**Albert Childress**  
**Commissioner**

**Ana Garcia**  
**Village Manager**

**John J. Hearn**  
**Village Attorney**



Indicates documents are attached to this agenda.

**1 Call to Order**

**2 Roll Call**

**3 Pledge of Allegiance**

**4 Presentations**

Alex David, Bell David Planners: Presentation on The Florida

- 4.a Department of Community Affairs (DCA) Objections,  
Recommendations and Comments (ORC) Report

**5 Additions, Deletions or Withdrawals to Agenda**

**6 Public Comments Related to Agenda Items / Good & Welfare**

**7 Consent Agenda**



**7.a Approval of Minutes**

- > March 2, 2010 Regular Commission Meeting
- > April 27, Special Commission Meeting
- > May 26, 2010 Special Commission Meeting
- > June 8, 2010 Regular Commission Meeting



- 7.b Federal Forfeiture Funds Expenditure of \$1,500 to be utilized by the  
Police Department for 12 months of airtime for Verizon air cards.



- 7.c Federal Forfeiture Funds Expenditure of \$600 to be utilized by the  
Police Department for Crime Prevention Training Recertification for  
Chief Glansberg.

**8 Public Hearings**

## **9 Ordinances - FIRST READING**

< None >

## **Ordinances - SECOND READING**

< None >

## **10 Resolutions**

< None >

## **11 Old Business**



- 11.a Commissioner Bernard: Formal Manager Evaluations *(Moved from 6/8/2010 meeting.)*



- 11.b Vice Mayor Bryan Cooper: Selection or re-appointment of board member to Planning & Zoning Board; appointment of replacement board member for Parks & Parkway Advisory Board.

- 11.c Mayor Ross: Discussion on process of selection of board members of the Biscayne Park Foundation.

## **12 New Business**

- 12.a Vice Mayor Bryan Cooper: E-Mail notification system and Biscayne Canal event *(Moved from 7/13/2010 meeting.)*



- 12.b Commissioner Bernard: Resident Notification Procedures *(Originally on the June 8, 2010 Commission Meeting Agenda.)*



- 12.c Commissioner Bernard: Sanitation Budget Review *(Originally on the June 8, 2010 Commission Meeting Agenda.)*



- 12.d Commissioner Anderson: Summary Minutes

## **13 Reports**

### **13.a Committee Reports**

- i > Parks & Parkway Advisory Board
- ii > Code Review Board
- iii > Recreation Advisory Board
- iv > Ecology Board

### **13.b Village Attorney**

### **13.c Village Manager**

### **13.d Commissioner Comments**

- > Vice Mayor Bryan Cooper
- > Commissioner Bob Anderson
- > Commissioner Steve Bernard
- > Commissioner Al Childress

> Mayor Roxanna Ross

#### 14 Announcements

All public meetings are held at the Ed Burke Recreation Center,  
11400 NE 9th Court, Biscayne Park.

Wednesday, August 11th - Recreation Advisory Board at 6:30PM

Thursday, August 12th - Code Review Board at 7:00PM

Monday, August 16th - Planning & Zoning at 6:30PM

Tuesday, August 17th - Second Budget Workshop at 6:30PM

Wednesday, August 18th - Parks & Parkway at 6:00PM

Wednesday, August 18th - Code Enforcement at 7:00PM

Thursday, August 19th - Ecology Board at 7:00PM

Thursday, August 26th - Code Review at 7:00PM

Summerfest that was scheduled for Saturday, August 7th has been canceled and will be rescheduled.

The next regular Commission meeting is Tuesday, September 14th at 7:00PM. This meeting was changed to the second Tuesday of the month due to the Labor Day holiday.

Please visit our website regularly at [biscayneparkfl.gov](http://biscayneparkfl.gov) and click on the Calendar of Meetings & Events to view the full schedule.

#### 15 Adjournment

In accordance with the provisions of F.S. Section 286.0105, should any person seek to appeal any decision made by the Commission with respect to any matter considered at this meeting, such person will need to ensure that a verbatim record of the proceedings is made; which record includes the testimony and evidence upon which the appeal is to be based.

In accordance with the Americans with Disabilities Act of 1990, persons needing special accommodation to participate in the proceedings should call Village Hall at (305) 899 8000 no later than four (4) days prior to the proceeding for assistance.

**DECORUM** - Any person making impertinent or slanderous remarks, or who becomes boisterous while addressing the Commission, shall be barred from further audience before the Commission by the presiding officer, unless permission to continue or again address the commission is granted by the majority vote of the Commission members present. No clapping, applauding, heckling or verbal outbursts in support or in opposition to a speaker or his/her remarks shall be permitted. No signs or placards shall be allowed in the Commission Chambers. Please mute or turn off your cell phone or pager at the start of the meeting. Failure to do so may result in being barred from the meeting. Persons exiting the Chamber shall do so quietly.



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Mayor and Commission

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Bryan Cooper  
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John J. Hearn  
Village Attorney

Maria Camara  
Village Clerk

**MINUTES**

**REGULAR COMMISSION MEETING**

Ed Burke Recreation Center - 11400 NE 9th Court  
Biscayne Park, FL 33161

**Tuesday, March 2, 2010**

- 1 **Call to Order**
- 2 **Roll Call**

Mayor Roxanna Ross called the meeting to order at 7:06PM. In addition to Mayor Ross, present were Vice Mayor Albert Childress, Commissioner Bob Anderson, Commissioner Steve Bernard, and Commissioner Bryan Cooper. Present from staff were Ana Garcia, Village Manager, Maria Camara, Village Clerk, John Hearn, Village Attorney, Police Chief Mitchell Glansberg, Public Works Director Bernard Pratt, and Recreation Coordinator Issa Thornell.

- 3 **Pledge of Allegiance**

Participants from Biscayne Park's Youth Flag Football led the pledge of allegiance, which was then followed by a moment of silence. The Mayor asked everyone to remember long time residents Lew Twitchell and Anne Patterson who had recently passed away.

- 4 **Presentations**

Recreation Coordinator Issa Thornell presented trophies to participants of Biscayne Park's Youth Flag Football.

March 2, 2010 was proclaimed as Charles Touchstone day, honoring Mr. Touchstone for his 32 years of service in the Public Works Department and in his retirement.

- 5 **Additions, Deletions or Withdrawals to Agenda**

All agenda items related to Bell David Planning Group to be discussed together. Items 9d and 9e (ordinances 2010-4 and 2010-5) were moved to the next meeting scheduled for March 16, 2010.

Item 9a (ordinance 2010-3) Item will be presented by Bell David Planning Group today, but detailed discussion for first reading will be moved to the next meeting scheduled for March 16, 2010.

Item 12b (Commissioner Cooper's discussion on supporting environmental issues) moved to the next meeting scheduled for March 16, 2010.

**6 Public Comments Related to Agenda Items**

Dan Keys - general comments on "New Business" items.

Jordan Leonard, Council Member for Bay Harbor Island - spoke on FPL agreement.

**7 Consent Agenda (Motion to be made for all as one or remove for discussion)**

The minutes for the February 2, 2010 Commission meeting was pulled from the consent agenda and moved to the next regular commission meeting on April 6, 2010. Motion made by Vice Mayor Childress to approve item 7.b only, Receipt of 1st Quarter Financials as of Dec. 31, 2009. It was seconded by Commissioner Anderson.

The motion was called to a vote:

All in favor: Mayor Ross, Vice Mayor Childress and Commissioner Anderson, Commissioner Bernard and Commissioner Cooper.

Motion carries 5/0.

*Item 7 above took place after the reading of ordinances, item 9.*

**8 Public Hearings**

None

**9 Ordinance 2010-3 - First Reading**

AN ORDINANCE OF THE VILLAGE COMMISSION OF THE VILLAGE OF BISCAYNE PARK, FLORIDA ADOPTING THE **EVALUATION AND APPRAISAL REPORT** BASED AMENDMENTS TO THE COMPREHENSIVE PLAN; AUTHORIZING TRANSMITTAL TO REVIEW AGENCIES; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE

Attorney Hearn read the title of the ordinance.

Jerry Bell of Bell David Planning Group gave an explanation of the process and timeline. Looking to get authorization from the Commission to transmit to the state at first reading, then come back in 60 days with a report, make changes based on the report, and finally come back at second reading with updates. Needs to have second reading done by June.

Mayor Ross opened the public hearing for those wishing to speak on the Comp Plan:

Barbara Kuhl - concerned with access to all of the information relating to the Comp plan, and that there are too many specifics and should be more general.

Dan Keys - did not have access to original EAR and unable to make comparisons. Concerned that it is too specific.

Karen Cohen - Same concerns and not sure where the amendments came from and that there are too many specifics.

Mike McGwinn - echo the same comments. Appreciate the opportunity to review the origins of what has been presented.

A motion made by Vice Mayor Childress to continue the 1st reading of Ordinance No. 2010-3 with a date certain of March 16, 2010, at 7:30PM. It was seconded by Commissioner Anderson.

The motion was called to a vote:

All in favor: Mayor Ross, Vice Mayor Childress and Commissioner Anderson, Commissioner Bernard and Commissioner Cooper.

Motion carries 5/0.

A second motion made by Commissioner Bernard requesting that the original Comp plan and EAR documents are added to the website, as well as hard copies available at Village Hall. It was seconded by Commissioner Cooper.

The motion was called to a vote:

All in favor: Mayor Ross, Vice Mayor Childress and Commissioner Anderson, Commissioner Bernard and Commissioner Cooper.

Motion carries 5/0.

#### **Ordinance 2010-6 - First Reading**

**AN ORDINANCE OF THE VILLAGE COMMISSION OF THE VILLAGE OF BISCAYNE PARK, FLORIDA ACCEPTING THE 5-YEAR CAPITAL IMPROVEMENT PLAN OUTLINING SPECIFIC PROJECTS, SUBJECT TO ANNUAL REVIEW; PROVIDING FOR AN EFFECTIVE DATE**

Attorney Hearn read the title of the ordinance.

Jerry Bell of Bell David Planning Group provided a brief explanation.

Attorney Hearn explained a correction to section 2, subsection 4, which will be made and corrected for second reading.

Mayor Ross opened the public hearing, but there were none.

A motion made by Commissioner Bernard to approve at first reading. It was seconded by Commissioner Anderson.

The motion was called to a vote:

Commissioner Bernard - yes

Vice Mayor Childress - yes

Commissioner Anderson - yes

Commissioner Cooper - yes

Mayor Ross - yes

Motion carries 5/0.

**Ordinance 2009-3 - Second Reading**

AN ORDINANCE OF THE VILLAGE COMMISSION OF THE VILLAGE OF BISCAYNE PARK, FLORIDA ADOPTING ITS **2008-2025 WATER SUPPLY FACILITIES WORK PLAN**; AMENDING THE VILLAGE OF BISCAYNE PARK'S COMPREHENSIVE PLAN TO STRENGTHEN COORDINATION BETWEEN WATER SUPPLY AND LOCAL LAND USE PLANNING BY AMENDING THE TEXT CONTAINED IN THE FUTURE LAND USE, INFRASTRUCTURE, CONSERVATION, INTERGOVERNMENTAL COORDINATION AND THE CAPITAL IMPROVEMENT ELEMENTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICT; PROVIDING FOR AN EFFECTIVE DATE.

*Note: First reading was in February 3, 2009.*

Attorney Hearn read the title of the ordinance.

Alex David of Bell David Planning Group provided an explanation of the documents provided.

Mayor Ross opened the public hearing:

Tracy Truppmann - concerned with water quality.

After discussion from the Commission with specific concerns of the reverse osmosis issue that comes from North Miami's water plan, Attorney Hearn suggested that Alex David discuss if we can make a change to our plan to detach the reverse osmosis with the regulatory agencies and come back with the response at the next meeting.

Additionally, Commissioner Anderson directed the Manager to verify with the City of North Miami whether there is a budgeted line item in their budget on the water surcharge.

A motion made by Vice Mayor Childress to continue the 2nd reading of Ordinance No. 2009-3 with a date certain of April 6, 2010. It was seconded by Commissioner Bernard.

The motion was called to a vote:

All in favor: Mayor Ross, Vice Mayor Childress and Commissioner Anderson, Commissioner Bernard and Commissioner Cooper.

Motion carries 5/0.

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***Item 11a from Old Business was moved to discuss at this point.***

Alex David from Bell David Planning Group provided an update on the issues brought forward to the City of North Miami's Future Land Use. Mr. David reviewed the letter from Maxine Calloway, Director of Community Planning & Development for the City of North Miami to the Village that addressed those issues.

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**Ordinance 2010-7 - First Reading**

AN ORDINANCE OF THE VILLAGE COMMISSION OF THE VILLAGE OF BISCAYNE PARK, FLORIDA, GRANTING **FLORIDA POWER & LIGHT COMPANY**, ITS SUCCESSORS AND ASSIGNS A NON EXCLUSIVE ELECTRIC FRANCHISE; IMPOSING PROVISIONS AND CONDITIONS RELATING THERETO; PROVIDING FOR MONTHLY PAYMENTS TO THE VILLAGE OF BISCAYNE PARK, FLORIDA; PROVIDING FOR CONFLICT; PROVIDING FOR AN EFFECTIVE DATE.

Attorney Hearn read the title of the ordinance and provided a brief history on this particular ordinance and a summary of the negotiations with FPL.

Mayor Ross opened the public hearing and the following spoke on this ordinance:

Barry White (Kendall resident representing CASE)

Carmen Di Bernardi

Karen Cohen

Chester Morris

Gaspar Gonzalez

Tracy Truppmann

Dan Keys

Bob Kopsik

Michael Speventa

John Holland

The Commission had discussion on the ordinance, followed by comments by the Village Manager. FPL representatives Aletha Player and Ken Rubin also spoke on the ordinance and the negotiations that took place.

A motion made by Vice Mayor Childress to accept the Manager's recommendation and to approve at first reading. It was seconded by Commissioner Anderson.

The motion was called to a vote:

Vice Mayor Childress - yes

Commissioner Anderson - yes

Commissioner Cooper - no

Commissioner Bernard - no

Mayor Ross - yes

Motion carries 3/2

**Ordinance 2010-1 - Second Reading**

AN ORDINANCE OF THE VILLAGE COMMISSION OF THE VILLAGE OF BISCAYNE PARK, FLORIDA AMENDING CHAPTER 11 ENTITLED "OFFENSES AND MISCELLANEOUS PROVISIONS" BY CREATING NEW ARTICLE VI, ENTITLED "**STREET ADDRESS DISPLAY**"; PROVIDING FOR PENALTY; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE

Attorney Hearn read the title of the ordinance and provided a brief summary of the changes made since the first reading.



Mayor Ross opened the public hearing:

Fred Jonas - spoke on where the the numbering is located.

Dan Keys - can the street address be on the right of way.

A motion made by Vice Mayor Childress to accept approve at second reading seeing that the language of the ordinance was sufficient and clear. It was seconded by Commissioner Cooper.

The motion was called to a vote:

Commissioner Cooper - yes

Commissioner Bernard - yes

Vice Mayor Childress - yes

Commissioner Anderson - yes

Mayor Ross - yes

Motion carries 5/0

### **Ordinance 2010-2 - Second Reading**

AN ORDINANCE OF THE VILLAGE COMMISSION OF THE VILLAGE OF BISCAYNE PARK, FLORIDA AMENDING CHAPTER 2, ADMINISTRATION, ARTICLE III, ENTITLED, "**COMMISSIONS, BOARDS AND COMMITTEES**"; REPEALING ORDINANCE 2008-8 AND CREATING NEW SECTION 2-30 OF THE CODE OF ORDINANCES OF THE VILLAGE OF BISCAYNE PARK ENTITLED "GENERAL RULES AND POLICIES"; AMENDING EXISTING SECTION 2-31 OF THE CODE OF ORDINANCES OF THE VILLAGE OF BISCAYNE PARK, ENTITLED, "BOARD OF PARKS AND PARKWAYS"; AMENDING EXISTING SECTION 2-32 OF THE CODE OF ORDINANCES OF THE VILLAGE OF BISCAYNE PARK, ENTITLED, "ECOLOGY BOARD"; REPEALING ORDINANCE 2008-7 AND CREATING A NEW SECTION 2-34 OF THE CODE OF ORDINANCES OF THE VILLAGE OF BISCAYNE PARK, ENTITLED, "RECREATION ADVISORY BOARD"; REPEALING ORDINANCE 2008-4; PROVIDING FOR AMENDMENT TO THE APPLICABLE CURRENT CODE SECTIONS WITH REFERENCE TO THIS ORDINANCE AND PROVIDING THAT PROVISIONS OF THE CURRENT CODE, TO THE EXTENT THAT THEY ARE IN CONFLICT WITH THIS ORDINANCE, SHALL BE REPEALED; PROVIDING FOR CONFLICTS; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EF

Attorney Hearn read the title of the ordinance and provided a brief summary of the changes made since the first reading.

Mayor Ross opened the public hearing:

Dan Keys - does not see value of having alternates on the board, concerned with restriction on family members, and add definition of excused absences.

Barbar Kuhl - concerned with restriction on family members.

The Commission had discussion on the ordinance. During the discussion, the following changes were put to a vote:

1. Keep the definition as is for *Relative* . (section 2-30 A.3)

All in favor: Mayor Ross, Commissioner Cooper, Commissioner Bernard.

All opposed: Commissioner Anderson and Vice Mayor Childress

2. Add "or if another relative is on that board or committee." to *Prohibition of appointment of relatives (section 2-30 B.2)*

All in favor: Mayor Ross, Commissioner Cooper, Commissioner Bernard.

All opposed: Commissioner Anderson and Vice Mayor Childress

3. Leave the language as is to receive minutes within sixty (60) days after meeting. (*section 2-30 E.4.c*).

All in favor: Commissioner Anderson, Vice Mayor Childress, Commissioner Bernard, and Mayor Ross.

All opposed: Commissioner Cooper.

4. Add "and supporting documentation to the extent available." to the written agenda (*section 2-30 E.4.b*).

All in favor: Commissioner Anderson, Vice Mayor Childress, Commissioner Bernard, Mayor Ross and Commissioner Cooper.

A motion made by Commissioner Cooper to approve at second reading with the changes discussed. It was seconded by Commissioner Bernard.

The motion was called to a vote:

Commissioner Bernard - yes

Vice Mayor Childress - yes

Commissioner Anderson - no

Commissioner Cooper - yes

Mayor Ross - yes

Motion carries 4/1

**10 Resolutions**

None

**11 Old Business**

*See above, item 11.a.*

11.b - Discussion of replacement of Board Members

The Commission discussed the replacements and several appointments were made to the boards, but some were still pending as they were not sure on which of the current members needed to be replaced.

Direction given to invite all current members, newly appointed members, and those residents being considered for appointment to the Ethics Training on March 16, 2010. Appointments would then be finalized after that.

**12 New Business**

Commissioner Cooper moved item 12.a-Discussion of past official Village reports/plans to the next regular Commission meeting on April 6, 2010.

**13 Good and Welfare (Public)**

< None >

14

**Reports**

**14.a - Committee Reports:**

**Parks & Parkway - Dan Keys:** Following up on the reimbursement of supplies to Lynn Fisher on the Owl House Project.

**14.b - Village Attorney Comments:**

None except for a reminder that Robert Meyers is confirmed for the Ethics training on March 16, 2010.

**14.c - Village Manager Comments:**

Requesting consensus to proceed with getting state designation of northeast Sixth Avenue and for the Commission to consider naming suggestions. All in favor.

Discussion on traveling to Tallahassee during legislative session and provided the topics to be discussed. Commissioner Anderson made a motion that the cost of travel not to exceed \$3,000. Seconded by Vice Mayor Childress. All in favor.

**14.d - Commissioner Comments:**

Commissioner Bernard - remembering resident Lew Twitchell that recently passed away.

15

**Announcements** - All public meetings are held at the Ed Burke Recreation Center, 11400 NE 9th Court, Biscayne Park.

Monday, March 15th - Planning & Zoning at 6:30PM

Tuesday, March 16th - Ethics Training for staff, board and committee members at 6:00PM

Tuesday, March 16th - Special Commission Meeting at 7:30PM

Wednesday, March 17th - Parks & Parkway Advisory Board at 6:00PM

16

**Adjournment**

Motion made to adjourn by Vice Mayor Childress and seconded by Commissioner Anderson. All in favor.

Commission approved \_\_\_\_\_

Attest:

\_\_\_\_\_  
Roxanna Ross, Mayor

\_\_\_\_\_  
Maria Camara, Village Clerk



## **Village of Biscayne Park**

**640 NE 114<sup>th</sup> Street  
Biscayne Park, FL 33161**

**Tel: 305 899 8000**

**Fax: 305 891 7241**

**The following pages are additional  
notes to be added to the minutes of  
March 2, 2010 as requested by:**

**Mayor Ross  
Commissioner Cooper  
Commissioner Bernard**

***Pending approval of Commission  
majority.***

**MEMO TO:** Clerk Maria Camara  
**FROM:** Mayor Roxanna Ross  
**RE:** March 2, 2010 Meeting Minutes

Please include the following comments to the above-referenced minutes:

**03/02/2010: Under First Reading of Ordinance 2010-7 – FPL Franchise:**

FPL representatives Aletha Player and Ken Rubin also spoke on the ordinance and the negotiations that took place. Ken Rubin noted:

- a) He has been negotiating this franchise for 3 years with Village Attorney John Hearn, for whom he has tremendous respect.
- b) The ability to generate and use power is specifically provided by Fla. Stat. sec. 366 and Fla. Adm. Code 25-6-065, which regulates “net metering.”
- c) With regard to generating power, Sec. 8 was crafted to address the Village’s concerns, specifically stating that the Village is not prohibited from generating power, storage and distribution for its own use, through its own lines.
- d) Another negotiated term specifically states that: This agreement does not affect any rights which the Village may otherwise possess with respect to the siting of FPL transmission lines.

**Ordinance 2009-3 - Second Reading**

**AN ORDINANCE OF THE VILLAGE COMMISSION OF THE VILLAGE OF BISCAYNE PARK, FLORIDA ADOPTING ITS 2008-2025 WATER SUPPLY FACILITIES WORK PLAN; AMENDING THE VILLAGE OF BISCAYNE PARK'S COMPREHENSIVE PLAN TO STRENGTHEN COORDINATION BETWEEN WATER SUPPLY AND LOCAL LAND USE PLANNING BY AMENDING THE TEXT CONTAINED IN THE FUTURE LAND USE, INFRASTRUCTURE, CONSERVATION, INTERGOVERNMENTAL COORDINATION AND THE CAPITAL IMPROVEMENT ELEMENTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICT; PROVIDING FOR AN EFFECTIVE DATE.**

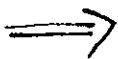
*Note: First reading was in February 3, 2009.*

Attorney Hearn read the title of the ordinance.

Alex David of Bell David Planning Group provided an explanation of the documents provided.

Mayor Ross opened the public hearing:  
Tracy Truppmann - concerned with water quality.

After discussion from the Commission with specific concerns of the reverse osmosis issue that comes from North Miami's water plan, Attorney Hearn suggested that Alex David discuss if we can make a change to our plan to detach the reverse osmosis with the regulatory agencies and come back with the response at the next meeting.



***The following is the text that Commissioner Cooper requests to replace the above paragraph:***

Commissioner Cooper identified that Biscayne Park residents were inappropriately going to have to pay for a North Miami reverse osmosis plant, whose need is highly questionable when looking at population and water usage amounts in the planning documents. With subsequent discussion by the Commission, Attorney Hearn and Alex David, the attorney suggested that Alex David discuss if we can make a change to our plan to detach the reverse osmosis with the regulatory agencies and come back with the response at the next meeting.

Additionally, Commissioner Anderson directed the Manager to verify with the City of North Miami whether there is a budgeted line item in their budget on the water surcharge.

A motion made by Vice Mayor Childress to continue the 2nd reading of Ordinance No. 2009-3 with a date certain of April 6, 2010. It was seconded by Commissioner Bernard.

The motion was called to a vote:

All in favor: Mayor Ross, Vice Mayor Childress and Commissioner Anderson, Commissioner Bernard and Commissioner Cooper.

----- Forwarded Message -----

**From:** Steve Bernard <steve@stevebernardarchitect.com>  
**To:** VillageClerk@BiscayneParkFl.gov; villagemanager@biscayneparkfl.gov; attyhearn@aol.com  
**Cc:** vobparchives@biscayneparkfl.gov  
**Sent:** Mon, June 7, 2010 7:31:28 AM  
**Subject:** Notes on 3/2/10 Minutes

Memo To: Clerk Maria Camaro  
Fr: Commissioner Steve Bernard  
Re: March 2, 2010 Meeting Minutes

I have reviewed my handwritten notes and the video of the meeting, and put together notes on the above referenced minutes.

They include items other than FPL, but regarding the FPL item, I have split out our Attorney & Manager comments and FPL's statements from Commission discussion, and they are all included here.

Because it is important that FPL be held to the statements that they made, including in prior negotiations as described by the Attorney and Commissioners, and because there is no other formal record of those representations, I think it is important that we have a permanent record, as these notes will provide.

**Therefore, please include the following comments to the above-referenced minutes, and please distribute to the Commission for their review prior to the 6/8/10 meeting.**

Sincerely,

Steve Bernard  
Commissioner

cc: Village Manager, Attorney, Archives

**ITEM 9F** - Add:

A. Commissioner Bernard - Asked Consultant about the need for interlocal agreement, to clarify NM responsibility & BP rights, especially regarding the capital improvement fees (and how NM took the cap improvement money paid by BP residents and put towards their operation costs because of their budget shortfall) & 25% rate surplus that BP pays, but also including repairs, upgrades, or water quality for a better response from NM.

B - NM during their comp plan stated that the current water plant had capacity for current needs.

C- Consultant thought he had the interlocal agreement in his files, and will confirm.

D - Commissioner Anderson stated, "On the comment as far as the monies that all of us are paying on our water bills towards the new plant, that they had a budget shortfall, I would ask our Manager to double check that because I talked to North Miami's finance director about 2 months ago, she assured me that that money is in a budgeted item, in an item strictly for the future building of that plant, and I'd like to get that verified for the next commission meeting"

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**ITEM 11A** - Add:

A. 1) NRO & CCD boundaries will be shown on the future land use map, to match the NM Comp Plan, and 2) Density Bonuses outside the NRO would require both a Conditional Use Permit and a land use amendment, inside the NRO would require Conditional Use Permit" would be clarified", and

B. Consultant agreed that the NM letter would have sufficient legal weight so that we don't have to file an appeal on the NM Future Land Use Plan prior to the April deadline.

C. Commissioner Cooper stated that we have to be vigilant for developments, and that we ask to be formally notified via intergovernmental communication on any development projects.

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## **ITEM 9C –**

After "Attorney Hearn read the title... and a summary of the negotiations with FPL",

ADD

Including:

1. A Most Favored Nation, which would apply to all parts of the contract for any clause or provision more favorable - FPL has not agreed to that language. They did grant a MFN for fee percentage for cities of over 50,000 customers.
2. Big concession that we sought was that there would be no transmission lines through the Village, FPL did not agree to that. We asked for underground, and FPL agreed but there would be a contribution over and above the normal cost, so that did not occur.
3. What we did get was that FPL recognized that we are a unique residential city, they told us that their policy is to go through industrial corridors first, commercial corridors second, and only as a last resort to go through residential, which is not in the agreement, but is their policy.
4. A recent concession was that the Agreement does not affect our rights that we possess under Florida law with respect to the siting of Transmission lines, as of yesterday.
5. The other issue was to try to get the 30 year term reduced to maybe 5 or 10 years, FPL did not agree to.
6. We talked about the ability for the Village to generate electrical capacity, to store, to use at our facilities, and consistent with Florida to sell back to FPL.
7. FPL did not agree to arbitration
8. FPL did not allow us to audit based on contingent basis, pursuant to law.
9. FPL has a standard contract and told us that they treat everyone equally, but he considers this is the best language of the other City's Agreements he's aware of.
10. It is non-exclusive, does not prevent anyone from using their own source of power
11. It boils down to BP receiving a payment which is a pass through from your citizens in return for the express waiver of our ability to sell or compete with FPL for our electricity.
12. Section 2 gives them the non exclusive right to operate in our rights of ways
13. Section 3 provides that they have to interfere as little as possible with us, the grantor, that we may prescribe in accordance with our rules and regulations where their utilities can go, provided that it doesn't interfere with the proper operation of their facilities and service.
14. There's no obligation for us to enter into the Franchise Agreement, the cities I'm aware of have all entered into it. One city that did not was Parkland about 8 years ago, they let their Contract expire. If you don't have a contract, FPL will still provide electricity to Citizens and operate in the rights of way.
15. FPL's position is very clear that they have a standard contract, and do not deviate in a substantive way.

### **Manager Garcia:**

1. The number \$120,000 is a conservative number to have to replace
2. We inherited a budget that was adopted with \$25,000 in the red
3. We consolidated employee positions



4. We want to increase the level of service
5. Concerned if we don't find an alternative funding source to offset the minimum \$120K up to \$138K.

**FPL - Aletha Player & Ken Rubin:**

1. The Village and the Residents are allowed to generate and use their own power under Florida Law, the Net Metering Statute. Cannot become a retail provider of electricity, and any excess is required to be sold back to FPL as per PSC. We have specific tariff provisions providing for interconnection agreement and different levels of service, all spelled out in rules passed by PSC.
2. The Village can produce power for it's own use, and can store that power use it's own lines and distribution system through equipment owned by the Village, and a new section was created to accommodate that request.. This does not prohibit for those things, and it allows for those points.
3. FPL is required to continue providing electric service with or without a Franchise.
4. Regarding Transmission Lines, Florida law provides for method for how lines are sited. In response to concerns, they drafted a statement that assures BP a seat at the table if a proposal for Transmission Lines ever came through the Village.
5. Hollywood did not 'win' their lawsuit, it was settled.
6. FPL pays it's taxes, regardless of the old or new formula
7. Regarding Contingency Audit, Mr. Rubin negotiated the Ormand Beach Franchise, and under the FL Statutes, CPA's performing audits shall not be rendered for fee contingent upon the findings of such services, as per Chapter 473.
8. They assured us that if new technology is coming down the pike, they are going to be leading that new technology.

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**Public Speakers**

Barry White is with CASE, which is Citizens Aligned for Safe Energy

**Commission discussion included:**

**Commissioner Cooper:**

1. It's standard to hear from companies that 'it's a standard contract', and often can be negotiated.
2. It's disturbing that FPL knows that we're in a financial budget crunch at this point, and he tried through the attorney to get FPL to say we could not only produce our own power, but could we distribute that power ourselves, even just to our light poles, it would have been a nice concession that FPL could have made.
3. Saying that we're going bankrupt is a scare tactic, and there's possibilities that we haven't thought about, including revenue from selling power when technology arrives, instead of committing ourselves for 30 years.
4. FPL can get out of the contract in 90 days, so the money you think is secure is not secure if technology changes to the point where FPL says goodbye.
5. We should consider working with other municipalities who are willing to fight the good fight, including South Miami . If FPL picks us off one at a time, we're not gonna do anything here, but if we work together, there's possibilities.

Attorney Hearn then stated that Cooper was correct about asking to store for street lights, so we'd have to have a separate agreement with FPL because they own the lights and poles. I don't disagree with anything he says, but would like FPL to clarify.

**Mayor Ross:** Asked Attorney Hearn to reiterate the Legislature, the Florida Siting Act, and any impact this agreement would have on those restrictions that are already in place for control.

Hearn: Will this permit us to keep 75 poles out? No, we didn't seek in the agreement to prohibit that, this is not in any way to allow us to prevent those poles. If it's over 15 miles, it falls under the PSC, if it falls under

15 miles, the process is not governed by the PSC, you have to go through court process, but the power FPL has is rather extensive, the goal is through non-residential areas.

**Commissioner Bernard:**

1. In negotiations in 2008, Mr. Rubin stated in an email that the heart of this Agreement is the right of way rights, so the idea that this agreement doesn't affect those rights is telling in what FPL is willing to tell us in order for us to get us to sign it.
2. The day we sign is the day a judge will say that we gave those rights away.
3. The biggest issue is money, but there are other issues:
  - a. We pay 6% on our electric bill now, and a city that did an audit showed that the numbers weren't accurate, and since we don't have the time or money to do our own detailed financial analysis, I can't imagine that we'll find the money to audit FPL without a contingent basis. The fact that FPL won't allow this is also telling, although the law says a CPA can do this.
  - b. If another company comes in and wants to provide power to our residents, with cleaner technology or lower rates, FPL has the right of first refusal and can terminate the Contract, but we can't terminate.
  - c. When the technology changes, we'll be locked in, even as people get off the grid. And the money that we're scrabbling for is going to reduce.
  - d. And while we're right now among the highest millage in the County, it won't be like that for 30 years. But if we're so close to the edge at 9 mills, that's only \$158K difference, and this \$120K that we're talking about isn't going to save us, because if the values go down that much, then we can't survive anyway. But as the economy comes up, in 5 years, we're going to look around and say that we didn't have to do this.
4. Because we need money to say 'no' to signing the Agreement, here's how to find the \$125K to replace the Franchise Fees and keep the current level of service:
  - a. Utility Service Tax is at 8%, but can be from 0% up to 10%, and we can change it at anytime, instead of committing us in for 30 years. We have zero energy conservation policies, no high efficiency interior and exterior lighting, no high SEER Air Conditioning units. If we had no Franchise Fee, the money that the Village pays on the Electric Franchise Fee, this adds up to \$30 to \$35,000.
  - b. If we did nothing but raise the millage, it would be a .75 mill increase, but it would be offset by the money that residents save on their electric bill. To answer the question, if we do not max out the millage, and we could show FPL that we're ready to negotiate if we get creative with revenues.
  - c. Special Taxing District would give the ability to tax themselves outside of the millage cap, but it requires the Legislature to approve it, and it requires a special election, but it shows there are means to get extra revenue.
5. Other Cities - We learned 4 years ago what these Franchise Agreements mean for Transmission Lines, the lines in NM couldn't be stopped and when someone says that other cities have signed, ask North Miami if they would sign again. When Miami Shores signed, I was there and there was a clear misunderstanding about several of the issues.
6. Limitations on giving up the rights of BP to create and sell out own power for future revenues.
7. We were told 2 years ago at a Workshop that FPL doesn't change their Agreements, they said its boilerplate, we don't change it. They claimed that there was a certain Statute that said they wouldn't allow us to do it. And we discovered over the next 2 years is that they do change it. 4 years ago, what I heard from our (current) Manager was that they weren't really going to go through Biscayne Park, except it was the cheapest way to go, and if they had gone through, our property values would have killed us.

**Commissioner Anderson:**

1. Compared to South Miami, they have a lower millage, and we have a problem
2. He questioned if we can produce our own power, or sell back to FPL
3. On the street lights, part of what we pay is for maintenance

4. Newer technology, if we go ahead with the Bloom box, what resident would want to have this power station next to them with all the infrastructure going in, and all of the maintenance required?
5. The Franchise fee is absolutely a tax, but I can regulate my tax by using less electricity and my tax will go down. If we put it on millage, it hurts everyone the same. If you're retired or paid off your house, chances are you're not itemizing, so you get hit 100% no matter what electric you're using. I'm against any kind of a tax that hurts the poor and the elderly, I'm against that completely, and those type of taxes hurt the most. When they get hit with the millage, they're paying a higher rate than a younger person who's in a smaller house.
6. We have investigated this over the years, and there isn't much wiggle room, cannot afford to lose revenue, we are gonna take another hit again when we do our budget because property values have dropped. In the future, as people can get off the grid, but it's a slow drop off, and it would be a shock to the budget to lose services and have to reach into reserves is a no-win situation, and this doesn't take into account increased costs.
7. Every city he's talked to, they've asked where are you going to come up with the revenue, and that's why the majority of the cities sign. We're under financial constraints and I don't want a power station next to my house, and I don't know who would want one, and we need a backup grid system.

**Vice Mayor Childress:**

1. The Village is not like the City of Parkland, we have limited revenue source
2. It comes down to a revenue issue, and he just cannot see taxing our residents any more than they are already taxed, and that's our only other alternative.
3. If there was any other time, if we had additional revenues, or a strong reserve, or if our millage was lower, it would be a possibility, but at 9.0 I can't see taxing residents more than already taxed.

**Commissioner Cooper:**

He thinks that we can make up the revenue with hard work and some creative solutions we can make up the shortfall.

**Commissioner Bernard:**

1. Regarding taxes, between franchise and utility and communication fees & taxes, 22% of the revenues we get from residents is unrecognizable as taxes, so we're already taxing our residents, and if we shift it around it puts us in a better position because it gives us the control.
2. In addition to those who spoke pro or con on this, there are almost 50 emails from people that responded to an email I sent that posted the Ordinance. Out of all those emails, there were one or two that were on the fence, and one that was against the Agreement. While we may not have heard them here tonight, the point of their emails was to say that we can't make it, but this is what we want. To have 50 people say "here's what we think, and here's what we want you to consider" isn't something that we should take lightly, even if they don't show up at the meeting.
3. We haven't taken the time to see how we can find the money, and I hope before the 2<sup>nd</sup> reading we can put a concerted effort to do that. I have a feeling that if it weren't for the money, there's nobody up here that thinks this is a good contract. I say let's say let's commit to see how we can find that money, instead of committing 30 years of our resident's fee.
4. It is not unfair to go from an electric fee to a millage fee basis. It's not fair that someone who pays for more electricity in their house is paying more for police or other services. Vacant properties with no structures pay nothing. People with no cell phones pay less than those who do. The millage is known as the fairest system there is, with homestead and exemptions, and it's complicated, but people know what it is when they buy into it.

village clerk

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**Subject:** FW: March Minutes and one other thing

On Tue, Jul 13, 2010 at 9:37 AM, Commissioner Bob Anderson

<[banderson@biscayneparkfl.gov](mailto:banderson@biscayneparkfl.gov)> wrote:

Good Morning Maria - I just have one minor correction to the March **2nd** Minutes

Page 4 Paragraph 6 should read

**Commissioner Anderson stated he had spoken with North Miami's Budget Director and was assured by her that any monies paid on water bills toward the building of the new plant are being kept in a line item strictly for the building of that new plant. Commissioner Anderson asked the Manager to verify that with North Miami.**

--

Please E-Mail if you would like to be add or removed from this information list

Village of Biscayne Park

Commissioner

Bob Anderson

E-Mail [BANDERSON@BISCAYNEPARKFL.GOV](mailto:BANDERSON@BISCAYNEPARKFL.GOV)

PH 305-899-8000

--  
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John J. Hearn  
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Maria Camara  
Village Clerk

**MINUTES**  
**SPECIAL COMMISSION MEETING**  
**Ed Burke Recreation Center - 11400 NE 9th Court**  
**Biscayne Park, FL 33161**  
**Tuesday, April 27, 2010**

**1 Call to Order**

**2 Roll Call**

Mayor Roxanna Ross called the meeting to order at 6:08PM. In addition to Mayor Ross, present were Vice Mayor Albert Childress, Commissioner Bob Anderson, Commissioner Steve Bernard, and Commissioner Bryan Cooper. Present from staff were Ana Garcia, Village Manager, Maria Camara, Village Clerk, John Hearn, Village Attorney, Police Chief Mitchell Glansberg, Public Works Director Bernard Pratt, and Recreation Coordinator Issa Thornell.

**3 Pledge of Allegiance**

Mayor Ross led the audience in the pledge of allegiance. Mayor Ross asked for a moment of silence.

**4 Presentations**

None

**5 Additions, Deletions or Withdrawals to Agenda**

None

**6 Public Comments Related to Agenda Items**

None

**7 Consent Agenda (Motion to be made for all as one or remove for discussion)**

None

**8 Public Hearings**

None

**9 Ordinance 2010-7 - Second Reading** *(Moved from the April 6, 2010 meeting with a date certain April 27, 2010.)*

AN ORDINANCE OF THE VILLAGE COMMISSION OF THE VILLAGE OF BISCAYNE PARK, FLORIDA GRANTING FLORIDA POWER & LIGHT COMPANY, ITS SUCCESSORS AND ASSIGNS A NON EXCLUSIVE ELECTRIC FRANCHISE; IMPOSING PROVISIONS AND CONDITIONS RELATING THERETO; PROVIDING FOR MONTHLY PAYMENTS TO THE VILLAGE OF BISCAYNE PARK, FLORIDA; PROVIDING FOR CONFLICT; PROVIDING FOR AN EFFECTIVE DATE

Attorney Hearn read the title of the ordinance.

Mayor opened the public hearing on this ordinance.

Margaret Foldes  
Karla Gottlieb  
Estelle Hacia  
Valerie Karecappa  
Mike Kopsic  
Mike Gruener  
Barbara Watts  
Gaspar Gonzalez  
Carmen DiBernardi  
Doug Tannehill  
Barbara Kuhl  
Arthur Earheart  
Gary Kuhl  
Karen Cohen  
Linda Brewer  
Susan Weiss  
Mike Gridano  
Morris Yomtov

Public hearing was closed.

Attorney Hearn explained the issue of transmission lines and other issues relating to the ordinance, and a summary of the negotiations that took place with FPL.

Comments from the Village Manager was requested and given. The Manager gave her recommendation to the Commission that the FPL franchise agreement should be signed as this is a major source of revenue and due to our budgetary constraints.

Vice Mayor Childress provided his comments and then made a motion to sign the agreement and approve the ordinance at second reading. The motion was seconded by Commissioner Anderson, and he provided his comments on the ordinance.

Commissioner Cooper provided his comments. He asked for a discussion on the option of signing an inter-local agreement with Miami Dade County to go under their FPL franchise agreement which has 10 years remaining on it. Commissioner Cooper requested that the motion on the floor be taken back to discuss the Miami Dade County option further. Vice Mayor Childress declined.

Commissioner Bernard provided his comments. He supports Commissioner Cooper's proposal to discuss the Miami Dade County option further. He also read a petition that was signed by approximately 150 residents where they stated they understood that the Village needs the revenue generated by the franchise agreement to maintain our level of service, but that they would prefer to fund it through a temporary increase in property taxes, from the current 9 mil to 9.75 mil, instead of through a surcharge on their electric bill. *(Note: the petitions were not turned in to the Clerk.)*

Commissioner Cooper requested that Commissioner Anderson remove his second. Commissioner Anderson declined.

During Commissioner Cooper's discussion, he asked whether anyone in the Commission or staff had received funds from FPL, whether campaign contributions or other type of donations. No response was given, and the Attorney confirmed that a response was not required.

Commissioner Bernard continued with additional comments and provided a power point presentation. He requested that the clarification provided by the FPL Attorney, Ken Rubin, on the Village's ability to distribute power be included in the minutes. Also that a cover letter be included with the agreement stating this point.

A motion was made by Vice Mayor Childress to call the vote on the motion on the floor. It was seconded by Commissioner Anderson.

The motion was called to a vote:

All in favor: Mayor Ross, Vice Mayor Childress, Commissioner Anderson

All opposed: Commissioner Bernard and Commissioner Cooper

Motion dies 3/2 as a call to vote requires a super majority which is at least 4/1.

Commissioner Bernard continued and completed his presentation.

Mayor Ross provided her comments on the ordinance. Does not agree with going under the Miami Dade County agreement as it does not recognize Biscayne Park as a unique residential community, while our agreement does. Also there are other municipalities under the Miami Dade County agreement that do not receive the full amount of the franchise fees paid by the residents.

The Mayor favored pursuing the increase of the utility tax on electricity and also instituting a utility tax on water.

After all comments were made and discussion completed, the motion was called to a vote:

Vice Mayor Childress - yes

Commissioner Anderson - yes

Commissioner Bernard - no

Commissioner Cooper - no

Mayor Ross - yes

Motion carries 3/2.

Mayor Ross advised she had received an e-mail from the Miami Dade County League that President Blynn was creating a task force to lobby the legislature on the siting of transmission lines. Asked for a volunteer to serve on the panel on behalf of the Village. Commissioner Bernard stated he would volunteer.

**10 Resolutions**

None

**11 Old Business**

None

**12 New Business**

None

**13 Reports**

None

**14 Announcements** - The next regular commission meeting would be on Tuesday, May 4th, at 7:00PM.

**15 Adjournment**

Motion made to adjourn by Commissioner Anderson and seconded by Vice Mayor Childress. All in favor. The meeting was adjourned at 8:58PM.

Commission approved on \_\_\_\_\_

Attest:

\_\_\_\_\_  
Roxanna Ross, Mayor

\_\_\_\_\_  
Maria Camara, Village Clerk





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Ana Garcia  
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John J. Hearn  
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Maria Camara  
Village Clerk

**MINUTES**  
**SPECIAL COMMISSION MEETING**  
**Ed Burke Recreation Center - 11400 NE 9th Court**  
**Biscayne Park, FL 33161**  
**Wednesday, May 26, 2010 - 7:00PM**

1 **Call to Order** - Meeting was called to order at 7:05PM

2 **Roll Call**

Mayor Roxanna Ross called the meeting to order at 7:10PM. In addition to Mayor Ross, present were Vice Mayor Albert Childress, Commissioner Steve Bernard, and Commissioner Bryan Cooper. (Commissioner Bob Anderson was absent). Present from staff were Ana Garcia, Village Manager, Maria Camara, Village Clerk, and Public Works Director Bernard Pratt.

3 **Pledge of Allegiance and Moment of Silence**

4 **Public Comments Related to Agenda Items**

Barbara Kuhl  
Chester Morris  
Dan Keys

5 **New Business**

A discussion of sanitation rates for FY 2010-11. Final decision required by the County by June 1, 2010, to be placed on the November tax bill.

Manager Garcia introduced the new Finance Director, Michael Arciola

Manager Garcia provided the background on the agenda item and gave her recommendation to set the sanitation rate the same as the current rate of \$558.00 per year.

Commissioner Anderson submitted written comments in his absence and they were read by the Clerk.

After discussion, a motion made by Vice Mayor Childress to accept the Manager's recommendation to set the sanitation rate at \$558.00. Seconded by Commissioner Bernard.

The motion was called to a vote:

All in favor: Mayor Ross, Vice Mayor Childress, Commissioner Bernard and Commissioner Cooper.

Motion carries 4/0.

6

**Adjournment**

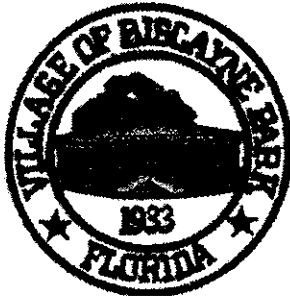
Motion made to adjourn by Vice Mayor Childress. The meeting was adjourned at 9:18PM.

Commission approved on \_\_\_\_\_.

Attest:

\_\_\_\_\_  
Roxanna Ross, Mayor

\_\_\_\_\_  
Maria Camara, Village Clerk



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Steve Bernard  
Commissioner

Albert Childress  
Commissioner

Ana Garcia  
Village Manager

John J. Hearn  
Village Attorney

**MINUTES**  
**REGULAR COMMISSION MEETING**  
**Ed Burke Recreation Center - 11400 NE 9th Court**  
**Biscayne Park, FL 33161**  
**Tuesday, June 8, 2010 6:30PM**

**1 Call to Order**

**2 Roll Call**

Mayor Roxanna Ross called the meeting to order at 6:34PM. In addition to Mayor Ross, present were Vice Mayor Albert Childress, Commissioner Bob Anderson, Commissioner Steve Bernard (arrived at 6:53PM, and Commissioner Bryan Cooper. Present from staff were Ana Garcia, Village Manager, Sira Ramos, filling in as Village Clerk, John Hearn, Village Attorney, Police Chief Mitchell Glansberg, Public Works Director Bernard Pratt, and Recreation Coordinator Issa Thornell.

**3 Pledge of Allegiance and Moment of Silence**

Mayor Ross formally passed the title of Vice Mayor to Commissioner Cooper.

**4 Presentations**

Mayor Ross read a proclamation for Arbor Day, July 17, 2010

Police Chief Mitch Glansberg gave a presentation on multiple burglary arrests in May and recognized Officers Ray Atesiano, Javier Fernandez, Larry Churchman, Breno Penichet, Sgt. James Rubin, and Captain Antonio Sanchez.

**5 Additions, Deletions or Withdrawals to Agenda**

Commissioner Anderson removed agenda item 12b.

On behalf of Commissioner Bernard, Manager Garcia asked that the minutes of March 2, 2010, be removed from the consent agenda (7a) as the additions Commissioner Bernard provided had not gotten to the Clerk in time.

Commissioner Cooper removed item 12c.

Consent agenda items 7b, 7c and 7d were removed from consent and moved to section 10 - Resolutions.

Commissioner Childress made a motion to end this and future meetings by no later than 11PM. It was seconded by Commissioner Anderson. It was then amended to make an assessment at 10:45PM and consider extending to a time certain.

The motion was called to a vote:

All in favor: Mayor Ross, Commissioner Childress, and Commissioner Anderson.

All opposed: Vice Mayor Cooper

Motion carries 3/1.

**6 Public Comments Related to Agenda Items / Good & Welfare**

Doc Morris - FPL

Barbara Kuhl - meeting start time

Mike Gurener - FPL

Barbara Watts - meeting start time and ordinance 2010-5

David Tunnel - Beehives and ordinance 2010-5

Dan Keys - Beehives

Fred Jonas - Time limitations

Linda Brewer - Commission behavior

Arthur Earhart - Commission behavior

**7 Consent Agenda (Motion to be made for all as one or remove for discussion)**

Left on the consent agenda was item 7d, Federal Forfeiture Funds expenditure.

Motion made by Commissioner Anderson to approve. Seconded by Commissioner Childress.

The motion was called to a vote:

All in favor: Mayor Ross, Vice Mayor Cooper, Commissioner Childress, Commissioner Bernard and Commissioner Anderson.

Motion carries 5/0.

**8 Public Hearings**

None

**9 9.a Ordinance 2010-5 - First Reading**

AN ORDINANCE OF THE VILLAGE COMMISSION OF THE VILLAGE OF BISCAYNE PARK, FLORIDA AMENDING THE MUNICIPAL CODE OF THE VILLAGE BY ADOPTING **COMPREHENSIVE PROCEDURES GOVERNING COMMISSION MEETINGS**; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION; PROVIDING FOR AN EFFECTIVE DATE

Attorney Hearn read the title of the ordinance.

Mayor Ross opened the public hearing:

Dan Keys

Barbara Watts

A motion made by Commissioner Bernard to not approve tonight and instead have a workshop. Seconded by Vice Mayor Cooper.

The motion was called to a vote:

All in favor: Vice Mayor Cooper and Commissioner Bernard

All opposed: Mayor Ross, Commissioner Childress and Commissioner Anderson.  
Motion dies 3/2.

After discussion of the ordinance, a motion made by Commissioner Childress to approve at first reading with the changes that were agreed on by consensus.  
Seconded by Commissioner Anderson.

The motion was called to a vote:

All in favor: Mayor Ross, Commissioner Childress and Commissioner Anderson.

All opposed: Vice Mayor Cooper and Commissioner Bernard.

Motion carries 3/2.

**9.b Ordinance 2010-9 - First Reading**

AN ORDINANCE OF THE VILLAGE COMMISSION OF THE VILLAGE OF BISCAYNE PARK, FLORIDA, AMENDING CHAPTER 6, PUBLIC FACILITIES AND SERVICES, SECTION 6.3.2 OF THE MUNICIPAL CODE RELATING TO **GARBAGE CONTAINERS**; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION; PROVIDING FOR AN EFFECTIVE DATE

Attorney Hearn read the title of the ordinance.

Mayor Ross opened the public hearing:

Dan Keys

After discussion of the ordinance, a motion made by Commissioner Childress to approve at first reading. Seconded by Commissioner Bernard.

The motion was called to a vote:

All in favor: Mayor Ross, Vice Mayor Cooper, Commissioner Childress and Commissioner Bernard.

All opposed: Commissioner Anderson

Motion carries 4/1

**9.c Ordinance 2010-10 - First Reading**

AN ORDINANCE OF THE VILLAGE COMMISSION OF THE VILLAGE OF BISCAYNE PARK, FLORIDA, REPEALING CHAPTER 16, DIVISION 2 ENTITLED "ELECTRICITY, METERED AND BOTTLED GAS", SECTIONS 16-16 THROUGH 16-24 IN THEIR ENTIRETY; REPEALING CHAPTER 16, DIVISION 3 ENTITLED "TELECOMMUNICATIONS", SECTIONS 16-31 THROUGH 16-36 IN THEIR ENTIRETY; DELETING THE REFERENCE TO DIVISION 1 OF CHAPTER 16 ENTITLED "GENERALLY"; CREATING NEW SECTIONS 16-12 THROUGH 16-19 RELATING TO **MUNICIPAL PUBLIC SERVICE TAX**; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION; PROVIDING FOR AN EFFECTIVE DATE

Attorney Hearn read the title of the ordinance.

Mayor Ross opened the public hearing:  
Dan Keys

After discussion of the ordinance, a motion made by Commissioner Childress to approve at first reading. Seconded by Commissioner Anderson.

The motion was called to a vote:  
All in favor: Mayor Ross, Commissioner Childress and Commissioner Anderson.  
All opposed: Vice Mayor Cooper and Commissioner Bernard  
Motion carries 3/2

9.d **Ordinance 2010-4 - Second Reading**

AN ORDINANCE OF THE VILLAGE COMMISSION OF THE VILLAGE OF BISCAYNE PARK, FLORIDA AMENDING THE MUNICIPAL CODE OF THE VILLAGE OF BISCAYNE PARK BY ADOPTING A **CODE OF CONDUCT** FOR ALL ELECTED OFFICIALS, BOARD MEMBERS AND VILLAGE EMPLOYEES; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION; PROVIDING FOR AN EFFECTIVE DATE.

Attorney Hearn read the title of the ordinance.

A motion made by Commissioner Childress to move to date certain July 13, 2010.  
Seconded by Vice Mayor Cooper.

The motion was called to a vote:  
All in favor: Mayor Ross, Vice Mayor Cooper, Commissioner Childress and Commissioner Anderson.  
All opposed: Commissioner Bernard  
Motion carries 4/1

9.e **Ordinance 2010-8 - Second Reading**

AN ORDINANCE OF THE VILLAGE COMMISSION OF THE VILLAGE OF BISCAYNE PARK, FLORIDA, **AMENDING SECTION 15.1.10 ENTITLED "FINES; LIENS" OF THE VILLAGE OF BISCAYNE PARK LAND DEVELOPMENT CODE**; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION; PROVIDING FOR RENUMBERING; PROVIDING FOR AN EFFECTIVE DATE

Attorney Hearn read the title of the ordinance.

Mayor Ross opened the public hearing:  
<None>

After discussion of the ordinance, a motion made by Commissioner Childress to approve at first reading. Seconded by Commissioner Anderson.

The motion was called to a vote:  
All in favor: Mayor Ross, Commissioner Childress and Commissioner Anderson.  
All opposed: Vice Mayor Cooper and Commissioner Bernard  
Motion carries 3/2

**10 7.b Resolution 2010-13**

A RESOLUTION OF THE VILLAGE COMMISSION OF THE VILLAGE OF BISCAYNE PARK, FLORIDA, AUTHORIZING THE APPROPRIATE VILLAGE OFFICIALS TO **EXECUTE THE AGREEMENT FOR THE RECREATION CENTER HARDENING PROJECT BETWEEN THE VILLAGE AND BEJAR CONSTRUCTION. INC.**; PROVIDING FOR AN EFFECTIVE DATE

Attorney Hearn read the title of the resolution.

After discussion, a motion made by Commissioner Childress to approve. Seconded by Commissioner Anderson.

The motion was called to a vote:  
All in favor: Mayor Ross, Vice Mayor Cooper, Commissioner Childress and Commissioner Anderson, Commissioner Bernard.  
Motion carries 5/0.

**7.c Resolution 2010-17**

A RESOLUTION OF THE VILLAGE COMMISSION OF THE VILLAGE OF BISCAYNE PARK, FLORIDA, AUTHORIZING THE APPROPRIATE VILLAGE OFFICIALS TO **EXECUTE THE AGREEMENT FOR TREE TRIMMING AND PRUNING SERVICES TO NOVO ARBOR**; PROVIDING FOR AN EFFECTIVE DATE

Attorney Hearn read the title of the resolution.

After discussion, a motion made by Commissioner Anderson to approve. Seconded by Commissioner Childress.

The motion was called to a vote:

All in favor: Mayor Ross, Vice Mayor Cooper, Commissioner Childress and Commissioner Anderson, Commissioner Bernard.

Motion carries 5/0.

7.d **Resolution 2010-18**

A RESOLUTION OF THE VILLAGE COMMISSION OF THE VILLAGE OF BISCAYNE PARK, FLORIDA, AUTHORIZING THE APPROPRIATE VILLAGE OFFICIALS TO EXECUTE THE AGREEMENT **FOR TREE PLANTING AND INSTALLATION TO AQUATIC LANDSCAPING DESIGN**; PROVIDING FOR AN EFFECTIVE DATE

Attorney Hearn read the title of the resolution.

After discussion, a motion made by Commissioner Bernard to approve. Seconded by Commissioner Anderson

The motion was called to a vote:

All in favor: Mayor Ross, Commissioner Childress and Commissioner Anderson, Commissioner Bernard.

All opposed: Vice Mayor Cooper.

Motion carries 4/1

10.a **Resolution 2010-14**

A RESOLUTION OF THE VILLAGE COMMISSION OF THE VILLAGE OF BISCAYNE PARK, FLORIDA, AUTHORIZING THE APPROPRIATE VILLAGE OFFICIALS TO **EXECUTE THE AGREEMENT FOR STORMWATER SERVICES PHASE III BETWEEN THE VILLAGE AND TRW CONTRACTING, INC.**; PROVIDING FOR AN EFFECTIVE DATE

Attorney Hearn read the title of the resolution.

A motion made by Commissioner Childress to approve. Seconded by Commissioner Bernard for discussion. This motion was later withdrawn.

A motion made by Commissioner Bernard to bring to the July 13, 2010 meeting the cost to re-advertise and re-bid. Seconded by Vice Mayor Cooper. This motion was later withdrawn.

Manager Garcia stated she would go back and review the re-bid process for this third phase of the project.

A motion made by Commissioner Childress to accept the Manager's recommendation to review re-bid process. Seconded by Commissioner Anderson.

The motion was called to a vote:

All in favor: Mayor Ross, Vice Mayor Cooper, Commissioner Childress and Commissioner Anderson, Commissioner Bernard.

Motion carries 5/0.



## 11 Old Business

### 11.a

Following the directives of the Commission at the May 4th meeting, the Manager provided clarification on the allowable changes to the grant, and whether the Village proceeds with the original plans for the route, or a different one that still maintains the original scope submitted with the application, the Village must acquire the services of an Engineer to provide cost estimates and to act as the Project Manager.

After discussion, a motion made by Bernard to direct the Manager to utilize this no-match grant to find safer roads and pathways within the Village withing the guidelines of the grant. Seconded by Vice Mayor Cooper.

The motion was called to a vote:

All in favor: Vice Mayor Cooper and Commissioner Bernard.

All opposed: Mayor Ross, Commissioner Childress and Commissioner Bernard

Motion dies 3/2.

After discussion, the Mayor directs the clerk to draft the letter to the County to opt-out of this grant and further directs the staff to keep eyes open for other grant opportunities to enhance the Village.

11.b *The quarterly report on properties with fines was discussed under item 9.e.*

11.c Commissioner Bernard moved this item, Formal Manager Evaluations to the next meeting on July 13, 2010.

## 12 New Business

12.a Police Chief Glansberg requested consensus from the Commission to move forward with applying for a grant under the Cops Hiring and Recovery Program under the American Recovery and Reinvestment Act. The grant would provide funding for two full time police officers for three years including salary and benefits, with the Village being responsible to retain the two officers for one additional year and for the salary and benefits for that year.

A motion made by Commissioner Childress to move forward with applying for the grant. Seconded by Commissioner Anderson.

The motion was called to a vote:

Commissioner Anderson and Commissioner Bernard.

Motion dies 5/0.

-----  
At 10:45PM, Mayor Ross asked the Manager if she had any items that needed discussion.

Manager Garcia advised that a group of residents would be donating an art sculpture to the Village and handed out information on the artist and the sculpture. The Village would pay for the art sculpture and within 30 days would get full reimbursement from the group of residents.

A motion made by Commissioner Childress to defer to the next meeting. All in favor except for Commissioner Anderson.

-----

Motion made by Commissioner Anderson to adjourn at 11:15PM. Seconded by Commissioner Bernard.

The motion was called to a vote:

All in favor: Mayor Ross, Vice Mayor Cooper, Commissioner Anderson and Commissioner Bernard.

All opposed: Commissioner Childress

Motion carries 4/1

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Motion made by Commissioner Childress to commence future Commission meetings at 7:00PM and end at 11:00PM. Seconded by Commissioner Anderson.

The motion was called to a vote:

All in favor: Mayor Ross, Vice Mayor Cooper, Commissioner Childress, Commissioner Anderson and Commissioner Bernard.

Motion carries 5/0

**Good and Welfare (Public)**

< None >

**13 Reports**

< None >

**14 Announcements** - All public meetings are held at the Ed Burke Recreation Center, 11400 NE 9th Court, Biscayne Park.

Wednesday, June 9th at 7:00PM - Recreation Advisory Board

Thursday, June 10th at 7:00PM - Ecology Board

Tuesday, June 15th at 7:00PM - Code Enforcement Board

Wednesday, June 16th at 6:00PM - Parks & Parkway Advisory Board

Monday, June 21st at 6:30PM - Planning & Zoning

Tuesday, June 22nd at 7:00PM - Code Review Board

Please visit our website regularly at [biscayneparkfl.gov](http://biscayneparkfl.gov) and click on the Calendar of Meetings & Events to view the full schedule. We have also added a new section called Hurricane Season 2010 which has useful information for all residents.

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Commissioner Bernard began a brief discussion on item 12.d Sanitation Budget Review and that even though this had been discussed at the special commission meeting on May 26th, that more needed to be reviewed. Instead he would speak directly with the Finance Director.

**15 Adjournment**

Meeting was adjourned at 11:15PM.

Commission approved on \_\_\_\_\_.

Attest:

\_\_\_\_\_  
Roxanna Ross, Mayor

\_\_\_\_\_  
Maria Camara, Village Clerk

**BISCAYNE PARK POLICE DEPARTMENT**

**M E M O R A N D U M**

TO: Ms. Ana M. Garcia, Village Manager

FROM: Chief Mitchell Glansberg

DATE: July 23, 2010

CC: Mayor Roxanne Ross, Village Commission, Mrs. Maria Camara,  
Village Clerk

RE: **Agenda Item, August Commission Meeting: Expenditure of  
Federal Forfeiture Funds**

---

**Federal Forfeiture Funds Expenditure:**

The Village of Biscayne Park Police Department is seeking expenditure of not more than \$1500.00 from the Village of Biscayne Park Police Department's **Federal Forfeiture Funds** account to be utilized for the payment of 12 months of airtime (effective FY10-11) for three Verizon air cards for internet access to be utilized by the Police Department in the field in order to facilitate communication and support for the Village of Biscayne Park Police Department's Crime Prevention initiatives.

The internet access will be utilized by police personnel on three different shifts to access the FCIC/NCIC information network to access driver's license files and wanted person records in support of both crime prevention and community policing initiatives. The utilization and access of these files will streamline the process of identifying criminal activity and wanted persons which was typically completed at the station, thus increasing police visibility.

**CERTIFICATION:**

*I, Mitchell S. Glansberg, Chief of Police, certify that all funds from the above request(s) will be utilized for law enforcement purposes and comply with the requirements of the State of Florida Forfeiture Guidelines and The Department of Justice/Treasury Forfeiture Guidelines, where applicable. The above request has been reviewed and approved by the office of the Village Attorney.*



Mitchell S. Glansberg  
Chief of Police

**BISCAYNE PARK POLICE DEPARTMENT**

**M E M O R A N D U M**

TO: Ms. Ana M. Garcia, Village Manager

FROM: Chief Mitchell Glansberg

DATE: July 23, 2010

CC: Mayor Roxanne Ross, Village Commission, Mrs. Maria Camara,  
Village Clerk

RE: **Agenda Item, August Commission Meeting: Expenditure of  
State Forfeiture Funds**

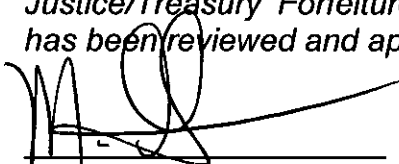
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**State Forfeiture Funds Expenditure:**

The Village of Biscayne Park Police Department is seeking expenditure of not more than \$600.00 from the Village of Biscayne Park Police Department's **State Forfeiture Funds** account to be utilized for purpose of Crime Prevention Training Recertification for Chief Glansberg who is a State of Florida Certified Crime Prevention Practitioner (FCPP) and lodging expenses for three days. The training is \$295.00. Lodging is \$267.00 for three days.

**CERTIFICATION:**

*I, Mitchell S. Glansberg, Chief of Police, certify that all funds from the above request(s) will be utilized for law enforcement purposes and comply with the requirements of the State of Florida Forfeiture Guidelines and The Department of Justice/Treasury Forfeiture Guidelines, where applicable. The above request has been reviewed and approved by the office of the Village Attorney.*



Mitchell S. Glansberg  
Chief of Police



Date: 5/28/10

To: Village Clerk

From: Steve Bernard, Commissioner

Re: Formal Manager Evaluations

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**REQUEST:**

A discussion of the proper procedures for Commissioners to follow, including the agreement of the entire Commission as to which Evaluation Form shall be used by Commissioners for the purpose of a 6 month AND 1 year evaluation of the Manager.

**BACKGROUND AND ANALYSIS:**

Regarding the Manager's 4/1 email with several evaluation form examples, I believe it necessary for all Commissioners to agree on which form presented by the Manager (or any other form, or any revisions in the form used for the previous Manager) shall be used.

I further believe that we should set a date certain on when completed Evaluation Forms shall be submitted by Commissioners, and how they shall be compiled, reviewed and discussed after submission, for both the 6 month and 1 year required Evaluation process.

**FISCAL/BUDGETARY IMPACT:**

Minimal, the ability to edit an existing Form can be handled with minimal cost after discussion and approval by the full Commission.

**RECOMMENDATION:**

"Recommended by Commissioner Steve Bernard"

Date of Last Update: 7/24/2010

Committees and Boards

Members shaded in grey need to be re-appointed.

## PLANNING & ZONING

Member	Appointed By	Comment
1 Gage Hartung	Childress	
2 Mario Rumiano	<Prior>	
3 Andrew Olis	Bernard	
4 Fred Jonas	Ross	
5 Elizabeth Hornbuckle	Anderson	
6 Doug Tannehill		< Alternate >
7 Carl Bickel		< Alternate >
	Cooper	Needs to re-appoint one of the current members or appoint new.

## Code Enforcement

Member	Appointed By	Comment
1 Harvey Bilt	Anderson	
2 Dale Blanton	Bernard	
3 Victor Cannon	Cooper	
4 David Coviello	Childress	
5 Carmen Wolin	Ross	
6 Kelli Rumiano	Anderson	< Alternate >
7 Milt Hunter	Anderson	< Alternate >
8 Ray Irizzary	Ross	< Alternate >

## Code Review

Member	Appointed By	Comment
1 Gage Hartung	Auto from P&Z	
2 Andrew Olis	Auto from P&Z	
3 Fred Jonas	Auto from P&Z	
4 Gary Kuhl	Anderson	
5 Dale Blanton	Auto from Code Enf	
6 David Coviello	Auto from Code Enf	
7 Carmen Wolin	Auto from Code Enf	
8 Kelli Romano	Auto from Code Enf	
9 Ray Irizzary	Auto from Code Enf	
10 Judi Hamelburg	Bernard	

<i>Harvey Bilt</i>	Auto from Code Enf	<i>Resigned, but remains on Code Enf.</i>
<i>Milt Hunter</i>	Auto from Code Enf	<i>Resigned, but remains on Code Enf.</i>
<i>Victor Cannon</i>	Auto from Code Enf	<i>Resigned, but remains on Code Enf.</i>

### Recreation Advisory Board

Member	Appointed By	Comment
1 Ron Gwynn	Anderson	
2 James Murphy	Bernard	
3 John Holland	Cooper	
4 Helga Silva	Ross	
5 Rachel O'Conner		Previous alternate that replaced Vicki O'Brien.
<i>Vicki Mallette O'Brien</i>	Childress	<i>Resigned.</i>

### Parks & Parkway Advisory Board

Member	Appointed By	Comment
1 Dan Keys	Anderson	
2 Barbara Kuhl	Childress	
3 Randy Wagoner	Ross	
4 Anne Marie Jonckheer	Bernard	
5	Cooper	<i>Vice Mayor Cooper to provide replacement.</i>
6 Jane Ansley		< Alternate >
7 Lynn Fisher		< Alternate >
8 Mary Ann Jones		< Alternate >
<i>Barbara Kiers</i>	<i>Cooper</i>	<i>Resigned.</i>

### Ecology Board

Member	Appointed By	Comment
1 Victor Romano	Anderson	
2 Matt Davis	Bernard	
3 Art Pyle	Childress	
4 Tom Pliske	Cooper	
5 Tracy Truppman	Ross	
6 Linda Carrington		< Alternate >
<i>Linda Domin</i>		<i>Will participate on special projects only.</i>





Date: 5/28/10  
To: Village Clerk  
From: Steve Bernard, Commissioner  
Re: Resident Notification Procedures

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**REQUEST:**

- 1) That the Village utilize the "Email Blast" to notify Residents on at least a monthly basis of upcoming Village Meetings and events,
- 2) That the Village utilize the "Email Blast" to notify Residents of all Special Commission Meetings in a timely basis
- 3) That the Marquees, Village Hall, and Rec Center bulletin boards be updated as soon as Special Commission Events are scheduled.

**BACKGROUND AND ANALYSIS:**

- 1) The Village has had a "Village Email Update" form on our website for several years, and it has been advertised as a means for Residents to be contacted to "Help Us To Let You Know" about Meetings, Events, Park & Rec info, and Other News. This allows the Village to be proactive in contacting those Residents who have asked to be contacted, instead of relying on the passive means of "Website Notification", which requires busy people to think about going online.
- 2) Using the "Email Blast" is the least expensive, most dependable means to notify Residents about any Special Meetings that are not shown on the regular monthly Email Blast.
- 3) The recent Special Commission meeting regarding the Sanitation Fee was not publicly noticed until after 4:00 on the Monday before the Wednesday Meeting, even though Staff had noticed the Commissioners on the Thursday prior to the Meeting. While the notification law requires only 24 hours, Best Practice says that notification should be made once dates are set.

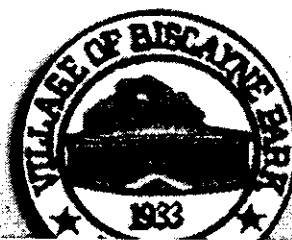
**FISCAL/BUDGETARY IMPACT:**

- 1) Minimal, the time required to send the monthly Marquee Signs to residents already on an existing Email List
- 2) Minimal, the time required to send the Special Meeting updates to residents already on an existing Email List
- 3) Minimal, the time and cost to print and post Special Meeting updates
- 4) Benefits to Residents include giving proper time and notice to participate in our Government

**RECOMMENDATION:**

"Recommended by Commissioner Steve Bernard"

# Biscayne Park, Florida



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## Help Us to Let You Know....

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Please sign up below for free email updates about events and issues here in Biscayne Park. Any information you provide will be used for this purpose only...Thank you!

"If you decide to provide your email address, please be advised that such address is subject to public records laws and thus, subject to disclosure."

\* Name :

\* Email address :

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☐ Commission Meetings

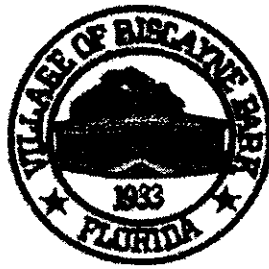
☐ Village Events

☐ Parks and Rec

☐ Other news

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Date: 5/28/10

To: Village Clerk

From: Steve Bernard, Commissioner

Re: Sanitation Budget Review

---

**REQUEST:**

An overview of the Sanitation Budget, with discussion regarding

- 1) Unallocated costs,
- 2) Determine a new line item amount for "New Equipment", and direct Staff to obtain costs for Recycling with North Miami and Dade County
- 3) Have the Commission to direct Staff to record hours put into the Sanitation department, so that for the 2010-2011 Budget (and beyond), we will have data to use to determine the "Administration Fee" to be transferred from Sanitation Enterprise Fund to the Village General Fund.

**BACKGROUND AND ANALYSIS:**

On May 26, the Commission voted to notify the County by June 1, 2010 that the Sanitation Fee to be paid by Residents will be \$558.

The Attorney stated that we have until July 1 to revise that number.

The Finance Director stated that we could change the budget up until the final Budget Hearing.

For backup material, please include the most current Narrative and Budget as presented to the Commission on 5/26/10, as well as the accompanying email with the details.

Because we will likely have Budget Workshops in June, the Commission will be able to meet and vote on revising the Sanitation Fee, and submit to the County prior to the July 1 deadline.

**FISCAL/BUDGETARY IMPACT:**

To be determined by this discussion

**RECOMMENDATION:**

Recommended by Commissioner Steve Bernard

**village clerk**


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**From:** Steve Bernard [steve@stevebernardarchitect.com]  
**Sent:** Friday, May 28, 2010 7:58 AM  
**To:** VillageClerk@BiscayneParkFl.gov; villagemanager@biscayneparkfl.gov;  
 financedirector@biscayneparkfl.gov; attyhearn@aol.com  
**Cc:** vobparchives@biscayneparkfl.gov  
**Subject:** June Agenda Item Request #1 - Sanitation

To: Village Clerk  
 Fr: Steve Bernard

Attached please find the required Agenda Item Request Memo. Please use the most current Sanitation Budget, plus this email as backup.

Sincerely,

Steve Bernard  
 Commissioner

**Regarding the Sanitation Budget, please have the Finance Director confirm the following Sanitation Unallocated Monies & Other Comments:**

1. The amount that we can expect to bill residents for Special Pickups this year is about \$24,000. The amount shown we've budgeted for the revenue to cover these services is \$5,000. This leaves (with no reduction) a potential revenue source, paid as user fees for those who put out more than 2 CY, or who are not timely in their yard curbside waste of \$19,000.
2. A reasonable amount for interest earnings (not shown as a line item), with \$700,000, at 1%, is \$7,000
3. The line item for 'other salaries' should not be there, as per the Finance Director's statement - \$14,000
4. This year, we budgeted \$36,205 for a 5% County Administration fee, compared to the actual 2%, or \$14,600. So far, we have not spent any unallocated expenses, so we can use that surplus for next year's budget = \$21,600
5. There is an estimated \$730,808 in expenses this year, compared to a \$738,190 budget, which gives a surplus for next year's budget = \$7,300

The above adds up to \$68,900 in unallocated monies.

In addition to that, we have \$40,000 in a contingency, which brings the unallocated amount to \$108,900 on a \$732,000 budget.

This is almost 15%, and it is excessive.

(As I have said for years, there is always a need for a Contingency, but it should only be used if we have the tightest and most reasonable line item costs, with no hidden 'built-in' contingency within the line items, as we have done in year's past. Therefore, the \$40,000 should either be significantly reduced, or we should go line item by line item to find that hidden contingency.)

In addition, there was no line item for New Equipment, and I would recommend a significant number, considering we've never had a line item for this before - \$10,000, but it was not discussed.

We should also look into the Recycling cost savings from North Miami and the County, as we discovered at the Meeting that we are not locked into a 3 year contract, but rather have a 30 day out from Miami Shores. No formal direction was given to Staff to investigate obtaining costs.

7/26/2010

**Regarding the "Administration Fee" of \$50,000 to be transferred to the General Fund from this Sanitation Enterprise Fund.**

The \$50,000 from last year's budget was only based on a percentage basis, and there was no breakdown of estimated Staff time in next year's budget. Because this is about 6% of the entire Sanitation budget, there is still 4 months left until next year's budget that can be used to arrive at a reasonable cost that should be 'paid' to the General fund for Administrative costs.

We can easily determine this reasonable cost if the Commission gives direction to staff that for the next 4 months, the time spent on Sanitation by Staff be recorded (the method to be determined) so that we can have an accurate Village Administration Fee to be transferred to the General Budget. The statement "It's not an exact science" is true, if we don't have data to work with. But many companies use manhours as a Management Tool, and now is the perfect chance to show how our Management style will use facts over estimates where we can.

## **RESPONSE TO COMMISSIONER BERNARD'S EMAIL:**

The budget for the Sanitation Fund is developed as a planning tool to arrive at the Annual Fee that will be assessed to users of the service. We cannot look into the future with 100% accuracy so we rely upon historical data and trends when developing future projections. We use a conservative approach to budgeting, meaning that we budget revenues conservatively and expenses liberally. By doing this we should be able to meet our budget projections. With this in mind, I offer the following explanations to your email:

1. Special pickups is difficult to project. Historical numbers show no revenue in 2008 or 2010. The revenue for 2009 shows revenues of \$ 22,630. It is difficult to say that we will have \$ 24,000 in special pickups in 2011 when we really do not know how accurate our numbers were for the past three years and there is no way of knowing who will use this service or be fined.
2. The \$ 7,000 would be a reasonable number if the \$ 700,000 was in our account on October 1, and remained there the entire year. However, this is not the case. The bulk of the fees are remitted to the Village in late November and after that the balance is paid over the next 9 months. If I were to budget interest earnings, I would use no more than \$ 2,000.
3. The line item titled "Other Salaries & Wages" was being used incorrectly. In the past this line item was used to budget salary increases. Salary increases should be budgeted as part of the Salary line item or in the contingency line item but not in "Other Salaries & Wages". The amount is still necessary so we will be moving this amount to the Contingency line item increasing that line item by \$ 14,000 and decreasing "Other Salaries & Wages" by the same amount.
4. We know that we should have an expenditure of approximately \$ 14,000 leaving a surplus of approximately \$ 12,000 in this line item. What we do not know is know the other line items will finish compared to their budgeted amounts.
5. The \$ 7,300 surplus in this total budget is equal to one tenth of one percent of the budget. This is based upon our projection.

I appreciate your concerns and in the future we will have better statistical data to base our projections upon. I will like to again stress that his fund needs to get back on good financial ground and I believe the 2011 proposed budget is a good beginning. Please keep in mind that this fund owes the General Fund over \$ 140,000. We must look at the big picture, so to speak, not just a few line items in making our decisions.



Date: 7/19/2010

To: Village Clerk

From: Bob Anderson, Commissioner

Re: Summary Minutes

---

**REQUEST:** Please add the following to the August Commission Meeting Agenda.

**Commission Discussion on a resolution agreeing to summary minutes as composed by the Village Clerk for all commission meetings and workshops. In those summary minutes when individuals who speak during public comments are named there should be a summary of what they spoke about. Any changes to those minutes should be only for errors of fact or typographical errors.**

**BACKGROUND AND ANALYSIS:** We seem to get further behind each month in getting our minutes posted which is not fair to our residents who have a right to expect transparency and openness. In addition a great deal of meeting time is wasted debating this issue month after month. Our residents have clearly spoken and let us know they want us to get more business done.

**FISCAL/BUDGETARY IMPACT:** Other than attorney time to draft the resolution there would be no negative impact to the budget. It would likely be a positive impact in that many hours of clerk time could be freed for other duties.

**RECOMMENDATION:**